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SENATE BILL 111

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO LAW ENFORCEMENT; PROHIBITING STATE AND LOCAL LAW
ENFORCEMENT AGENCIES FROM DETECTING OR APPREHENDING PERSONS
WHOSE ONLY VIOLATION OF LAW IS OF FEDERAL IMMIGRATION LAW;
AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-1-10 NMSA 1978 (being Laws 1966,
Chapter 24, Section 1) is amended to read:

"29-1-10. LAW ENFORCEMENT AGENCIES-- PARTICIPATION IN
FEDERAL PROGRAMS. -- [~~All state and local law enforcement
agencies are hereby authorized to participate in the Federal
Law Enforcement Assistance Act of 1965, Public Law 98-197.~~]

A. A law enforcement agency of the state or its
political subdivisions shall not use state funds, equipment or
personnel for the purpose of detecting or apprehending persons

underscored material = new
[bracketed material] = delete

1 whose only violation of law is that they are persons of foreign
2 citizenship who have entered or are residing in the United
3 States in violation of federal immigration laws.

4 B. Notwithstanding the provisions of Subsection A
5 of this section, a law enforcement agency may exchange
6 information with the United States immigration and
7 naturalization service in order to:

8 (1) verify the immigration status of a person
9 if the person is arrested for a criminal offense; or

10 (2) request criminal investigation information
11 with reference to persons named in service records.

12 C. For the purposes of Subsection A of this
13 section, the labor department is not a law enforcement agency."

14 Section 2. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2003.